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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,014	04/20/2004	Oleg Bondarenko	P5141C1	5979
24739 7590 09/03/2008 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER				
JONES, PRENELL P				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/829,014

**Applicant(s)**

BONDARENKO ET AL.

**Examiner**

PRENELL P. JONES

**Art Unit**

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/26/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22 and 29 is/are rejected.
- 7) ☒ Claim(s) 23-28 and 30-35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 22-35 have been considered but are moot in view of the new ground(s) of rejection.
2. In light of Applicant's submission of a terminal disclaimer, which has been approved Examiner withdraws previous Double Patenting rejection.
3. Applicant has amended claims 25 and 32, which corrects the previous 112, second paragraph rejection.
4. In view of Applicants amendment to claims 25 and 32, Examiner withdraws 112, second paragraph rejection.
5. Applicant further argues that the previous 102 rejection applied to claims 22-24, 26, 27, 28-31 and 33-35 is not valid because the priority date of the application is before the priority date of the Albert reference of 11/08/2000.
6. In light of Applicant's remarks, Examiner withdraws previous 102 rejections. However, Examiner has performed another search, wherein additional prior art was discovered.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 22 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Anisimov et al (US Pat 6,449,358).

Regarding claim 22 and 29, Anisimov et al (US Pat 6,449,358) discloses managing call load with respect to communication in a call center, (Abstract). Anisimov further discloses that it is well known in the prior art to set a queue waiting time for agents, and that waiting for an available agent in a queue is well known in the art. Anisimov further admits that it is well known in the art that waiting time is estimated and that callers are periodically informed of estimated wait times (EWT) by an IVR system (user interface) while callers wait for an agent (col. 3, line 17-67, col. 4, line 42-67, col. 5, line 52-61, col. 7, line 29-51). Anisimov also discloses a voice monitor messaging facility being accessed via IVR (a user interface) (col. 6, line 32-43, monitoring facility is accessed through a user interface). In addition, Stat-server software associated with the messaging facility monitors the agent status, call traffic and a host of other variables including agent priority status in the queue (col. 9, line 3-65, col. 10, line 39-44).

***Allowable Subject Matter***

9. Claims 23-28 and 30-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art fail to teach or suggest with respect to claim 23 and 30, wherein the user interface includes a link to a URL providing a Web page, with respect to claim 26 and 33, user interface includes mechanisms for selecting media type for communication with agents at the communication center, and with respect to claim 28 and 35, mechanism in the monitoring facility for selecting an agent, wherein at the time an agent is selected the status of that agent is displayed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones  
August 21, 2008

/Wing F. Chan/  
Supervisory Patent Examiner, Art Unit 2619  
9/1/08